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10 Attorneys for Defendants Max K. Day; Michael
Day; Max O. Day; Jared Day; Precision Trading
11 Group, LLC; and Providence Oak Properties
LLC
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13 **UNITED STATES DISTRICT COURT**
14 **CENTRAL DISTRICT OF CALIFORNIA**

15 **DAVID HOUGH; *et al.*,**

16 **Plaintiffs,**

17 **v.**

18 **RYAN CARROLL; *et al.*,**

19 **Defendants.**

Case No. 2:24-cv-02886-WLH-SK

District Judge: Hon. Wesley L. Hsu
Magistrate Judge: Hon. Steve Kim

20 **JOINT STIPULATION RE**
21 **JUNE 28, 2024 ORDER GRANTING**
22 **PLAINTIFFS' MOTION FOR**
23 **SANCTIONS**

SAC Filed: December 4, 2024
Trial Date: None Set

1 WHEREAS, on or around May 31, 2024, Plaintiffs David Hough, Amund
2 Thompson, Isabel Ramos, Anthony Ramos, and Michael Nibarger (collectively,
3 “Plaintiffs”) filed a Motion for Sanctions (“Motion”) against the “Original
4 Jurisdictional Defendants,” including Defendants Max K. Day, Michael Day, Max
5 O. Day, and Precision Trading Group, LLC (collectively “Day Defendants”) [ECF
6 No. 62];

7 WHEREAS, in its June 28, 2024 Order on Plaintiffs’ Motion [ECF No. 78],
8 the Court ordered that there was good cause to impose sanctions on the Original
9 Jurisdictional Defendants, including Day Defendants;

10 WHEREAS, during the December 13, 2024 hearing on the Jurisdictional
11 Defendants’ Motion to Release Funds [ECF No. 153], the Court directed that
12 Plaintiffs would need to file a Motion for Attorneys’ Fees and Costs to recover their
13 claimed costs and fees incurred in preparing the Motion;

14 WHEREAS, following Cozen O’Connor’s substitution as Day Defendants’
15 counsel of record in this case, Plaintiffs informed Day Defendants of their intent to
16 file a Motion for Attorneys’ Fees and Costs and provided Day Defendants’ counsel
17 with a copy of an invoice totaling \$14,528.60 (the “Invoice”) for Plaintiffs’ claimed
18 attorneys’ fees and costs incurred in connection with the Motion;

19 WHEREAS, on February 26, 2025, Matthew E. Lewitz of Cozen O’Connor,
20 Day Defendants’ counsel, virtually met and conferred with Nico Banks, Plaintiffs’
21 counsel, regarding, among other things, Plaintiffs’ contemplated Motion for
22 Attorneys’ Fees and Costs;

23 WHEREAS, after meeting and conferring and in the interest of avoiding
24 unnecessary motion practice, the parties’ respective counsel agreed that Day
25 Defendants would pay Plaintiffs’ counsel the sum of \$13,044.28 in satisfaction of
26 the Invoice and the Court’s June 28, 2024 Order on the Motion [ECF NO. 78];

27 WHEREAS, the parties’ respective counsel also agreed that in exchange for
28

1 the payment of \$13,044.28, Plaintiffs would not file their contemplated Motion for
2 Attorneys' Fees and Costs;

3 WHEREAS, in light of the above-described agreement between Plaintiffs and
4 Day Defendants, Plaintiffs waive and relinquish their right to bring a Motion for
5 Attorneys' Fees and Costs in connection with the Motion;

6 WHEREAS, the parties' respective counsel further agreed that Day
7 Defendants' payment of \$13,044.28 would not go towards Day Defendants' \$9,000
8 per month limitation for withdrawing, transferring, spending, or otherwise disposing
9 of any assets held by or for the benefit of Day Defendants without leave of Court as
10 set forth in the Order on Motion to Release Funds [ECF No. 231];

11 WHEREAS, this stipulation regarding Day Defendants' forthcoming payment
12 to Plaintiffs' counsel is not requested for any improper purpose and will serve the
13 interests of judicial economy;

14 WHEREAS, the granting of this stipulation will not cause any party to suffer
15 prejudice;

16 **THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by and
17 through the parties' respective undersigned counsel, that Day Defendants will pay
18 Plaintiffs' counsel the sum of \$13,044.28 in satisfaction of the Invoice and the
19 Court's June 28, 2024 Order [ECF NO. 78] within thirty (30) days of the Court's
20 entry of an Order approving the instant stipulation;

21 **IT IS FURTHER STIPULATED AND AGREED**, by and through the
22 parties' respective counsel, that Day Defendants' payment of the sum of \$13,044.28
23 to Plaintiffs' counsel does not count towards Day Defendants' \$9,000 per month
24 limitation for withdrawing, transferring, spending, or otherwise disposing of any
25 assets held by or for the benefit of Day Defendants without leave of Court.

26 **IT IS SO STIPULATED.**
27
28

1 Dated: March 14, 2025

BANKS LAW OFFICE

2 By: /s/ Nico Banks

3 Nico Banks, Esq. (SBN 344705)
4 *Attorneys for Plaintiffs*

5 Dated: March 14, 2025

COZEN O'CONNOR

6 By: /s/ Matthew E. Lewitz

7 Matthew E. Lewitz
8 Madeline J. Suchard
9 Matthew S. Steinberg
10 Attorneys for Defendants Max O. Day;
11 Michael Day; Jared Day; Max K. Day;
12 Precision Trading Group, LLC; and
13 Providence Oak Properties, LLC
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Filer's Attestation Pursuant to L.R. 5-4.3.4(a)(2)

I, Matthew E. Lewitz, hereby attest that all signatories listed above, on whose behalf this Stipulation is being submitted, concur in the filing's content and have authorized the filing.

Respectfully submitted,

Dated: March 14, 2025

COZEN O'CONNOR

By: /s/ Matthew E. Lewitz

Matthew E. Lewitz
Madeline J. Suchard
Matthew S. Steinberg
Attorneys for Defendants Max O. Day;
Michael Day; Jared Day; Max K. Day;
Precision Trading Group, LLC; and
Providence Oak Properties, LLC